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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,900	09/11/2003	Xinggao Fang	5668	4186

7590 11/16/2005  
John E. Vick, Jr.  
Legal Department, M-495  
PO Box 1926  
Spartanburg, SC 29304

EXAMINER

GREEN, ANTHONY J

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/659,900

Applicant(s)

FANG ET AL.

Examiner

Anthony J. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7, 24, 25 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7, 24, 25 and 29-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment submitted on 26 September 2005. Based on applicant's amendments and arguments the 112 rejection of claims 24-26 has been overcome.

### ***Claim Rejections - 35 USC § 102/103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 7 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Xiao et al (US Patent No. 5,747,392) for the reasons set forth in the previous office action and which are herein incorporated by reference.

Applicant argues that the reference fails to teach a composition containing two fluorochemicals and accordingly the instant claims are not met by the reference.

To this argument the examiner respectfully disagrees. As stated in the previous office action it is the position of the examiner that the fluorochemical component meets both the repellent and soil release component. Note that column 10, lines 11+, recite that the fluorochemical provides water and stain resistance. Therefore it is the position that the one component of the reference meets component (a) and (c) of the instant claims as there is nothing in the claim to suggest that one compound could not meet 2 components as long as it meets the properties desired (i.e. repellency and soil release).

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Also it should be noted that as amended both (a) and (c) can be fluorine containing components which would suggest that the one component of the reference could meet 2 components found in the instant claims. Furthermore the specification recites on page 5 that one chemical component may serve as 2 components. Accordingly the instant claims are met by the reference absent a showing otherwise.

4. Claims 24-25 and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiao et al (US Patent No. 5,747,392) for the reasons set forth in the previous office action and which are herein incorporated by reference.

Again applicant argues that since the reference does not teach 2 fluorochemicals the instant claims are not obvious over the reference. It is the position of the examiner that that the one component of the reference meets component (a) and (c) of the instant claims. Also it should be noted that as amended both (a) and (c) can be fluorine containing components which would suggest that the one component of the reference could meet 2 components found in the instant claims. Furthermore the specification recites on page 5 that one chemical component may serve as 2 components. Accordingly the instant claims are rendered obvious by the reference absent evidence showing otherwise.

5. Claims 7, 24-25 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiao et al (US Patent No. 5,747,392) for the reasons set forth in the previous office action and which are herein incorporated by reference.

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Applicant argues that since the reference does not teach 2 fluorochemicals the instant claims are not obvious over the reference. It is the position of the examiner that that the one component of the reference meets component (a) and (c) of the instant claims. Also it should be noted that as amended both (a) and (c) can be fluorine containing components which would suggest that the one component of the reference could meet 2 components found in the instant claims. Furthermore the specification recites on page 5 that one chemical component may serve as 2 components. Accordingly the instant claims are rendered obvious by the reference absent evidence showing otherwise.

6. Claims 7, 24-31 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogt (US Patent No. 6,238,266) in view of Schmoyer (US Patent No. 4,014,857) or Lipowitz et al (US Patent No. 4,207,071) for the reasons set forth in the previous office action and which are herein incorporated by reference.

Applicant argues that the combination of references does not render obvious the instant claims as they do not teach or suggest two fluorine-containing components.

To this argument the examiner respectfully disagrees as the primary reference teaches that fluorocarbons may be added along with the soil release agents that are taught by the secondary references. Note that Schmoyer teaches that the soil release agents are fluorinated and have oil and water repellency. Accordingly the combination of references suggests the use of hydrophobic agents which may be fluorocarbons and soil release agents that may be fluorochemicals thus rendering obvious the instant

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claims absent evidence showing otherwise. Furthermore since the soil release agents of the Schmoyer reference are also water repellent they could meet both component (a) and (c) of the instant claims. Accordingly the instant claims are obvious over the references absent evidence showing otherwise.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

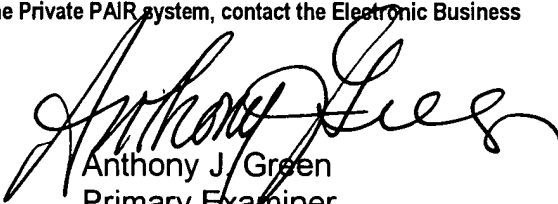
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony J. Green  
Primary Examiner  
Art Unit 1755

ajg  
November 9, 2005